

### **REMARKS**

After entry of this amendment, claims 1-37 remain pending. In the present Office Action, claims 1-10 were rejected under 35 U.S.C. § 101 as being non-statutory. Claims 3-37 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-2 were rejected under 35 U.S.C. § 102(a) as being anticipated by the related art section of the present application. Applicants respectfully traverse these rejections and request reconsideration.

Applicants respectfully submit that the remarks presented in the Response filed on September 8, 2006 (and received in the USPTO on September 11, 2006) illustrate why the application is in condition for allowance, and **incorporate those remarks by reference to preserve them for appeal**. In the present Response, Applicants have amended claim 1. While Applicants continue to assert that claim 1, as filed, is statutory, Applicants offer the amendment above to reduce the issues for appeal by obviating the section 101 rejection. Specifically, claim 1 has been amended to recite "each of the plurality of nodes compris[es] a computer system". Applicants submit that this amendment overcomes the section 101 rejection. Accordingly, since the **present amendment reduces the issues for appeal, Applicants respectfully submit that the amendment should be entered**.

Applicants continue to disagree with the rejections. Applicants respectfully request that the Examiner issue an advisory action indicating that the amendment has been entered and that the section 101 rejection has been rescinded, so that appeal can be pursued on the remaining rejections.

### **CONCLUSION**

Applicants submit that the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-12600/LJM.

Respectfully submitted,

/Lawrence J. Merkel/

Lawrence J. Merkel, Reg. #41,191  
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800

Date: December 18, 2006